

RECORD OF PROCEEDINGS

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan, on Monday, April 26, 2010 at 7:00 p.m.
- ATTENDANCE** Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Jodi Quakenbush, Administrative Secretary.
- CONSENT AGENDA** Branigan and Belt moved and seconded the approval of the consent agenda. Unanimous. Held Executive Session on April 12, 2010 regarding item 3D.
- PUBLIC HEARINGS**
Ordinance 6070
Ordinance 6072
Ordinance 6073
- Held Public Hearing, Ordinance 6070, amending Title 13 entitled "Building and Construction" by amending Chapter 13.06 entitled "Residential Code"; Ordinance 6072, amending Title 13 entitled "Building and Construction" by amending Chapter 13.23 which is entitled "Existing Building Code"; Ordinance 6073, amending Title 13 entitled "Building and Construction" by repealing Chapter 13.08 entitled "Building Code" in its entirety and enacting a new Chapter 13.08 entitled "Building Code". Heard from Carla Limmer, 3010 Avenue J, in opposition of the proposed code changes and requested a delay in action. Belt and Branigan motioned and seconded to receive and file items from Carla Limmer. Unanimous. Walsh and Schultz moved and seconded approval. Unanimous. Walsh and Schultz motioned and seconded to move all three ordinances to 3rd reading and postpone to June 28, 2010. Walsh commented that the codes need to be updated to the 2009 code and the delay will allow people that deal with them on a regular basis time to give their input. Schultz comments that it is important to get the codes updated and encouraged feedback so necessary changes can be made. Unanimous.
- Ordinance 6071
(Revised)
- Held Public Hearing, amending Title 13 entitled "Building and Construction" by amending Chapter 13.13 to be codified and entitled "License/Registration of the Utility Trade". Belt and Head moved and seconded approval. Walsh commented that this ordinance identifies individuals able to work on utility installation from the base to connect sewer and water to the street, it doesn't have the question the other ordinances have. Unanimous.
- Ordinance 6075
- Held Public Hearing, amending Title 12, "Council Bluffs Fire Code" by repealing Chapter 12.01 "International Fire Code" and enacting a new Chapter 12.01 "International Code". Heard from Carla Limmer, 3010 Avenue J, requesting a delay in passing this code. Belt and Branigan moved and seconded approval. Belt mentioned that if the ordinance is passed, they have the ability to amend the ordinance at a future date. Walsh mentioned that the Fire Chief requested this ordinance not be delayed because they have some building projects in the works now and for insurance purposes need to be updated to the 2009 code. Belt mentioned that the state has already adopted the 2009 Fire Code and any public facilities in our community need to be built to those standards. Unanimous. Belt and Branigan moved and seconded to waive 3rd reading. 4 Ayes, 1 Nay (Walsh)
- ORDINANCES ON FIRST READING**
Ordinance 6077
- Branigan and Head moved and seconded approval, amending Chapter 3.44 "Pawnbrokers" by repealing Section 3.44.080 "Recording absolute purchases – holding period for inspection", and enacting a new Section 3.44.080, to be entitled "Recording absolute purchases and pledge items – holding period for inspection". Heard from Roger Wall, 20585 Greenview Road, would like to see any stolen item returned to the victim at no cost. Walsh commented that pawn brokers have to document well who they bought the item from and fingerprint the seller. Walsh added Council would review this process. Unanimous.
- Ordinance 6078
- Belt and Head moved and seconded approval, amending Title 5 entitled "Sewers" by amending in part Chapter 5.10, Section 5.10.040 entitled "Specific Pollutant Limitations". Unanimous.

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Ordinance 6079 Belt and Walsh moved and seconded approval, amending the zoning map, as adopted by reference in Section 15.02.040, by changing the district designation of a 9.62 acre parcel of land, previously known as 14211 Valley View Drive, located east of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue, from R-1/Single Family Residential to R-1/Single Family Residential Estates, as set forth and defined in Chapters 15.08B and 15.08A, setting a Public Hearing for May 10, 2010 at 7:00 p.m. Unanimous.

Ordinance 6080 Belt and Head moved and seconded approval, amending the zoning map, as adopted by reference in Section 15.02.040, by changing the district designation of the former Kim Gym at 510 Bluff Street, from R-1/Single Family Residential to A-P/Administrative Professional District, as set forth and defined in Chapters 15.08B and 15.13 and setting a Public Hearing for May 10, 2010 at 7:00 p.m. Unanimous.

**ORDINANCES ON
SECOND
READING**

Ordinance 6074 Branigan and Head moved and seconded approval, amending Title 13 entitled, "Building and Construction", by adding thereto a new Chapter 13.35 "Radon Reduction System Provisions" to provide guidelines for radon reduction systems in any new construction of Single-Family, Two-Family and Multiple-Family Housing Units. Unanimous. Walsh and Branigan moved and seconded to waive 3rd reading, ordinance passes into law. Unanimous.

Ordinance 6076 Walsh and Branigan moved and seconded approval, amending Chapter 17 "Housing" by adding a new Section 17.01.040 entitled "Conversion to Meet Building Codes". Unanimous. Belt and Branigan moved and seconded to waive 3rd reading, ordinance passes into law. Unanimous.

**ORDINANCES ON
THIRD READING**

Ordinance 6161 Branigan and Head moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between South 15th and South 19th Streets, from 23rd Avenue to one-half block south of 28th Avenue, from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential, to R-1/Single Family Residential, as set forth and defined in Chapters 15.09, 15.10 and 15.08B. Unanimous.

Ordinance 6062 Branigan and Belt moved and seconded approval, amending the zoning map, as adopted by reference in Section 15.02.040 by changing the district designation of approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05. Unanimous.

Ordinance 6069
(Revised) Walsh and Head moved and seconded approval, amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to include open air taverns as an exception in areas zoned as C-4, with restriction. Unanimous. Walsh and Branigan moved and seconded adding 2 amendments to read as follows: (6) If two violation of state law or the Council Bluffs Municipal Code occur in the outdoor area within a twelve month period that result in the conviction of the owner and or his/her employees or agents, the use of the outdoor area as part of the liquor license premises will cease for a period of twelve months, starting on the date of the second conviction. The same penalty will occur if four different incidents occur in the outdoor area within a twelve month period that result in at least one conviction of persons other than the owner or his/her employees or agents. (7) The fencing and or railing that is constructed to restrict access (3 above) shall be so designed so as to allow viewing of the restricted access area from outside. Its design shall be approved by the Historic Preservation Commission. Unanimous. Original motion as amended. Unanimous.

RESOLUTIONS
Resolution 10-130

Walsh and Belt moved and seconded approval, authorizing the Mayor to execute a \$2.4 million I-JOBS Affordable Housing Assistance Grant Fund Grant Agreement and other necessary documents with the Iowa Finance Authority for the Pine Ridge Redevelopment Project. 4 Ayes, 1 Nay (Schultz).

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- Resolution 10-131 Belt and Branigan moved and seconded approval, authorizing the acquisition of 129 North 40th Street as part of the Playland Park Redevelopment Project. Unanimous. Held Execute Session on April 12, 2010.
- Resolution 10-132 Belt and Head moved and seconded approval, authorizing the acquisition of 124 North 40th Street as part of the Playland Park Redevelopment Project. Unanimous. Held Execute Session on April 12, 2010.
- Resolution 10-133 Belt and Branigan moved and seconded approval, authorizing the acquisition of property from Community Housing Investment Corporation (CHIC) as part of the Mid-City Corridor Project. Unanimous. Held Execute Session on April 12, 2010.
- Resolution 10-134 Belt and Branigan moved and seconded approval, abolishing a Sludge Applicator position and creating a Plant Maintenance Mechanic position in the Water Pollution Control Division of the Public Works Department effective June 5, 2010. Unanimous.
- Resolution 10-135 Branigan and Head moved and seconded approval, authorizing the appointment of Linda Andersen as the "Designated Applicant Authorized Representative" for the City of Council Bluffs. Unanimous.
- Resolution 10-136 Walsh and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Stahl Construction for the Public Works Operation Facility. Unanimous. Later corrected to a 4-1 vote with Schultz voting nay.
- Resolution 10-137 Branigan and Belt moved and seconded approval, authorizing the City Clerk to certify the Solid Waste Nuisance Assessments to the Pottawattamie County Treasurer to be collected in the same matter as a property tax. Unanimous.
- Resolution 10-138 Branigan and Head moved and seconded approval, authorizing the City Clerk to certify Weed Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 10-139 Branigan and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute a contract between the City of Council Bluffs and the Midlands Humane Society. Unanimous.
- Resolution 10-140 Belt and Branigan moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from I-80 Liquor, Inc., 2411 South 24th Street, for a violation of the State's tobacco laws. Unanimous.
- Resolution 10-141 Belt and Head moved and seconded approval, authorizing the purchase of sixty self contained breathing apparatus with integrated accountability and search/located functions and associated project equipment. Branigan thanked the Fire Chief and his staff for negotiating the price, saving the taxpayers an additional 13 ½%. Unanimous.
- RECEIVE & FILE ITEMS** Belt and Head moved and seconded approval of Receive and File Items regarding Items 9A – 9D. 9A. Two (2) Notices of Claim; 9B. Four (4) Notices of Right of Redemption; 9C. List of Bills, March 31, 2010; 9D. Cash Balance Statement, March 31, 2010. Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Belt and Walsh moved and seconded approval of Renewal Applications for Beer/Wine/Liquor & Outdoor Permits regarding Items 10A1 (1-4). 10A1. Bottoms Up, 2800 Twin City Drive; 10A2. J & B's Lounge, 16 South 19th Street; 10A3. Kwik Shop #532, 1602 Avenue G; 10A4. Pool & Panini, 3139 West Broadway and Special Event "Outdoor" Permit (Cinco de Mayo) regarding Item 10B (1). La Mesa, 3036 South Expressway. Unanimous.

Heard from Ryan Higgins, 205 Park Wild Drive. Mr. Higgins invited Council to attend a Junior and Senior engineering showcase event "Project Lead the Way" on Thursday April 29, 2010 at 6:30 at A.L.H.S.

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Branigan would like to remind everyone that Celebrate CB will be starting next Friday with BBQ of the Bluffs. Clean Sweep day is Tuesday May 11th, so get your group together and come down to Bayliss Park. The parade is May 15 along with the carnival. The theme this year is "Aspire Higher". We hope to have a lot of support from the community this year.

ADJOURNMENT

Schultz and Head moved and seconded adjournment at 7:37 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Jodi Quakenbush, Administrative Secretary